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10/088,731

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Karl Heinz Schmid

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EXAMINER

CHANNAVAJJALA, LAKSHMI SARADA

ART UNIT

PAPER NUMBER

1611

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|--------------------------------------|--|
| Office Action Summary | Application No. 10/088,731 | Applicant(s) SCHMID ET AL. | |
| | Examiner Lakshmi S. Channavajjala | Art Unit 1611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14, 17-20 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14, 17-20 and 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt of amendment and remarks dated 4-17-08 is acknowledged.

Claims 1-11, 15-16 and 21-22 are canceled. Claims 12-14, 17-20 and 23-31 are pending in the instant application.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4-17-08 has been entered.

Upon consideration of applicants' arguments filed 4-17-08 the outstanding rejections of record have been withdrawn and the following new rejection has been issued:

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 12-14, 17-20 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,714,565 to Wevers et al (Wevers) in view of US 5,859,218 to Wulff et al (Wulff) or vice-versa.

Wevers teaches a homogenous concentrated liquid detergent composition comprising monoesters of dicarboxylic acid and substantial amounts of nonionic

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surfactants (abstract). The monoesters are described in col. 2, L 18-32, col. 3, L 56 through col. 4, L18), which include dicarboxylic acids such as those of claim 14. For the claimed fatty alcohol chain length, Wevers teaches alcohols that overlap with the chain length of C6-22 of claim 11. For the amount of the monoesters, Wevers teaches 2% to 50% by weight of the composition. Wevers teaches that the composition contains from 8% to 20% of nonionic surfactants (col. 2, L 65-67). Wevers suggests nonionic surfactants that contain a hydrophobic organic radical condensed with an ethylene oxide hydrophilic moiety particularly polyethoxylated aliphatic alcohols. However, Wevers do not teach the claimed oliglucosides.

Wulff teaches high detergency alkyl oliglucosides and alkyl monoglucosides for use in cosmetic, personal care detergent as well as household and industrial uses (col. 1, L 15-35). Wulff states that alkyl glucosides and polyglucosides contribute to the surfactant activity (col. 1, L 43+). Wulff demonstrate that alkyl polyglucosides for increasing the foam height during washing (col. 16, table 5a) and for their cleaning ability. Wulff teaches that the alkyl polyglucosides may be employed alone or in combination with other surfactants (col. 26, L 30-52). Wulff suggests that while anionic surfactants are generally irritating to skin, alkyl polyglucosides do not cause skin irritation, along with their good cleansing, good foaming properties. The examples presented by Wulff suggest employing alkyl polyglucosides in detergent as well as personal care formulations such as shampoos.

It would have been obvious for one of an ordinary skill in the art at the time of the instant invention was made to employ alkyl polyglycosides surfactants of Wulff in the

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composition of Wevers as a surfactant because both Wevers and Wulff are directed to the same types of compositions i.e., cleaning compositions, Wevers desires a combination of surfactants with the monoesters of dicarboxylic acid and further Wulff teaches that alkyl polyglucosides can be employed as surfactants either alone or in combination in cleaning and detergent compositions owing to their high cleaning and good foaming power.

Alternatively, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention was made to employ the monoesters of dicarboxylic acids of Wevers in the cleaning and personal care compositions of Wulff because of the above described advantages of alkyl polyglycosides (by Wulff) and further because Wevers suggests the monoester compounds act as hydrotropes in liquid cleansing compositions and impart stability to the compositions in addition to the cleaning power (col. 1). A skilled artisan would have expected that the combination of monoesters of dicarboxylic acids and alkylpolyglucoside to provide enhanced cleaning power, foaming, stabilizing and also less irritation to skin (compatibility). While Wevers does not teach the specific monoester of claim 23 and also both Wevers and Wulff fail to teach the specific ratio of claims 26-31, Wevers describes the same dicarboxylic acids and fatty alcohols that are also described in the instant claims and hence choosing a particular ester so as to achieve the optimum stabilizing effect would have been within the scope of a skilled artisan. Further, optimizing the amounts of monoesters and the alkyl glucosides so as to obtain the desired stability as well as the foaming, cleaning and compatibility to skin would have been within the purview of a skilled artisan.

Response to Arguments

4. Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 9.00 AM -5.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila G. Landau can be reached on 571-272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lakshmi S Channavajjala/
Primary Examiner, Art Unit 1611
September 27, 2008

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